

IN THE UNITED STATES COURT OF THE WESTERN DISTRICT
OF PENNSYLVANIA

Norma Diane Fritz
5124 College Street
Finleyville Pa. 15332

PLAINTIFF

V.

Capital Management Services, LP

DEFENDANT

12-1725

Case No. _____

Fair Credit Reporting Act (FCRA)
Title 15 U.S.C. § 1681 *et seq.*

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, Norma Diane Fritz, hereby sues Defendant Capital Management Services, LP
of 726 Exchange Street, Suite 700 Buffalo, New York 14210 and alleges:

PRELIMINARY STATEMENT

1. This is an action for damages brought from violations of the Fair Credit Reporting Act (FCRA) Title 15 U.S.C. §1681 *et seq.*

JURISDICTION

2. The jurisdiction of this Court is conferred by Title 15 U.S.C. §1681 p.
3. Plaintiff Norma Diane Fritz is a natural person and is a resident of the state

of Pennsylvania.

4. The controversy occurred in Washington County, Pennsylvania where plaintiff resides.
5. This court has jurisdiction.

FACTUAL ALLEGATION

6. On November 6, 2010, Capital Management Services, LP, initiated a credit pull of Plaintiff's credit report from Equifax without permissible purpose, thereby reducing her credit score.

7. Plaintiff sent a notice to Capital Management Services, LP of their violations of Title 15 of the FCRA. This was in an effort to mitigate damages and reach a settlement for their violations in obtaining Plaintiff's credit report before taking civil action against them. Plaintiff received no reply to said notice sent to Defendant.

COUNT ONE

WILLFUL NON-COMPLIANCE BY DEFENDANT CAPITAL MANAGEMENT SERVICES, LP

8. Paragraphs 1 through 7 are re-alleged as though fully set forth herein.

9. Plaintiff is a consumer within the meaning of the FCRA, Title 15 U.S.C. §1681a(c).

10. Capital Management Services, LP is a furnisher of information within the meaning of the FCRA, Title 15 U.S.C. § 1681s-2.

11. Capital Management Services, LP willfully violated Title 15 of the FCRA.

Defendant's violations include, but are not limited to, the following:

(A) Capital Management Services, LP willfully violated Title 15 U.S.C. §1681b (f) by obtaining Plaintiff's consumer report without a permissible purpose as defined by Title 15 U.S.C. §1681b.

WHEREFORE, Plaintiff demands judgment for damages in the amount of \$1,000 against Capital Management Services, LP for statutory damages, and attorney's fees and costs, pursuant to Title 15 U.S.C. §1681n.

COUNT 11

**VIOLATION OF FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. § 1681
NEGLIGENT NON-COMPLIANCE BY DEFENDANT CAPITAL
MANAGEMENT SERVICES, LP**

12. Paragraphs 1 through 7 are re-alleged as though fully set forth herein.

13. Plaintiff is a consumer within the meaning of the FCRA, Title 15 U.S.C. § 1681a(c).

14. Capital Management Services, LP is a furnisher of information within the meaning of the FCRA, Title 15 §1681s-2.

15. Capital Management Services, LP negligently violated the F.C.R.A. Defendant's violations include, but are not limited to, the following:

(A) Capital Management Services, LP negligently violated Title 15 U.S.C. § 1681b (f) by obtaining Plaintiff's consumer report without a permissible purpose as defined by Title 15 U.S.C. § 1681b.

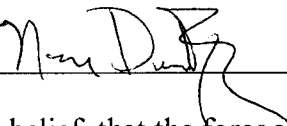
WHEREFORE, Plaintiff demands judgment for damages in the amount of \$1,000 against Capital Management Services, LP for actual damages, and attorney's fees and

costs, pursuant to Title 15 U.S.C. 1681o. Plaintiff reserves the right to amend this complaint.

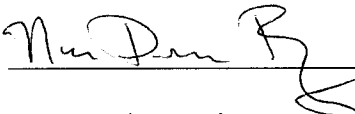
WHEREFORE, Plaintiff demands judgment against Capital Management Services, LP and \$2,000 for actual or statutory damages, and punitive damages, attorney's fees and costs, pursuant to Title 15 U.S.C. §1681n (a)(3) and Title 15 U.S.C. §1681o (a).

DEMAND FOR JURY TRIAL.

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

I  Certify that to the best of my knowledge, information and belief, that the foregoing is true and correct.

Respectfully submitted this 26 th day of Nov, 2012



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